

Although several accidents have occurred to aircraft landing on or taking off from the airstrip, only three are officially documented with the National Transportation Safety Board (NTSB). A review of these NTSB reports indicate that the airstrip is considered "unsuitable terrain" because it has a soft spot at its center and has "high obstructions" (dense brush and trees up to 20 feet tall) lining the runway.

Protecting irreplaceable historic structures and preserving the historic scene are also very important concerns related to aircraft use. One of the most important historic structures in Portsmouth Village, the Portsmouth Life Saving Station (Station), is only 101 feet east of the airstrip centerline. A detached kitchen for the Station is only 78 feet east of the centerline. And, the Station-stable is only 89 feet west of the centerline. The possibility of aircraft eventually colliding with structures so close to the center line is high with continued use of this narrow Airstrip. It would be necessary to move the Station and nearby associated structures to bring the Airstrip completely into compliance with FAA standards. Moving historic structures from their original locations seriously degrades their historical significance. The National Historic Preservation Act provisions generally do not permit Federal agencies to take such action (incompatible uses do not justify such action).

Direct impact is not the only concern. The Airstrip and Village lie in a mixed brush/maritime forest. Dense vegetation of this plant community grows inside Portsmouth Village. Fire from an aircraft accident in the vicinity of the Airstrip could easily spread from the brush/forest into the Village and destroy many structures. Because of its isolated character, fire suppression services are minimal in the area. The foot and vehicle trail from the Village to the beach crosses the Airstrip at the old Lifesaving Station. Visitors are potentially exposed to aircraft takeoffs and landings that they often cannot hear. Visitors also desire a quiet, historic scene to enjoy Portsmouth Village. Aircraft noise and visual intrusions are not conducive to preserving such a setting.

Approximately 300 of the 2,000+ persons visiting the Village annually arrive by aircraft. (This estimate is based on approximately 75 aircraft landings recorded by staff annually, with an average of four visitors per aircraft.) An alternate airport, Ocracoke Island Airport, is just six miles from the Airstrip. Ferry boat services provide transportation between Ocracoke and

the Village for \$15 to \$20 per person. At least one of these services offers free ground transportation between Ocracoke Island Airport and the ferry dock for groups that prefer landing at Ocracoke Island Airport rather than the Airstrip.

The anticipated costs, approximately \$40,000, of clearing vegetation from the Airstrip centerline and repairing the runway surface (levelling and resodding) are prohibitive under present funding levels for the Seashore. The estimated annual cost for maintaining the grass surface of the Airstrip is \$3,000, also prohibitive under present fiscal constraints.

### Summary

The Airstrip does not comply with FAA safety standards. The flying public should not be exposed to the potential hazards associated with operating aircraft from a substandard airstrip; and, the taxpayer should not risk liability for an aircraft accident resulting from a defect in the Airstrip. Derogating the historical significance of nearby National Register structures to accommodate aircraft operations is not justifiable. Even if funding levels allowed compliance with safety standards, low visitor use and availability of a nearby alternate airport with connecting transportation services suggest that such an expenditure is neither cost-effective nor warranted. For these reasons, the NPS proposes closing Portsmouth Village Airstrip by revoking 36 CFR 7.98(a).

### Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rule making. The NPS will review comments and consider making changes to the rule based upon an analysis of the comments.

### Draft Information.

The primary authors of this rule are Felix Revello, Supervisory Park Ranger and Charles Harris, Chief of Park Operations, both of Cape Lookout National Seashore.

### Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

### Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 USC 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce incompatible uses which compromise the nature and character of the area or causing physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, and in accord with the procedural requirements of the National Environmental Policy Act (NEPA), and by Departmental Regulations in 516 DM 6, (49 FR 21438) an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) have been prepared.

### List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

### PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Section 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

#### § 7.98 [Removed and Reserved]

2. Section 7.98 is removed and reserved.

Dated: June 9, 1995.

**George T. Frampton, Jr.,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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BILLING CODE 4310-70-P

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. 94-70, Notice 2]

**Federal Motor Vehicle Safety Standard 206; Door Locks and Door Retention Components****AGENCY:** National Highway Traffic Safety Administration, DOT.**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** This document announces a public meeting to seek comments on potential upgrading of Federal Motor Vehicle Safety Standard No. 206, Door Locks and Door Retention Components, to further reduce the likelihood of occupants being ejected through side door openings as a result of vehicle crashes.

The purpose of this public meeting is to inform all interested parties about the current status of NHTSA's research on side door ejections and potential countermeasures for ejection reduction, and to solicit comments on the agency's findings. In addition, the agency wishes to obtain information related to reduction of side door ejections through development of improved latches and other countermeasures that are being undertaken by domestic and foreign vehicle manufacturers, and other organizations. The information gathered at this meeting will assist the agency in deciding its future course of action to solve the side door ejection problem. In addition, the agency is also seeking information from safety groups or other interested parties who may have conducted their own investigation on the magnitude of the safety problem in this area and potential solutions.

**DATES:** The meeting will be held on August 7, 1995 at the address given below, starting at 9:00 a.m. Persons or organizations desiring to make presentations at the public meeting are asked to advise NHTSA of their intent by July 24, 1995. Copies of presentations, or an outline thereof, should be submitted to the contact person shown below not later than July 31, 1995. All written comments and statements on the subjects discussed at the meeting must be received by the agency no later than August 21, 1995 so that such comments and statements could be included in the final transcripts of the public meeting.

**ADDRESSES:** The public meeting will be held at the following address: Holiday Inn-Fair Oaks Mall, 11787 Lee Jackson

Memorial Highway, Fairfax, VA 22033. Tel: (703)-352-2525 and Fax: (703)-352-4471.

Requests to make a presentation and a copy of the presentation, or an outline thereof, should be sent to: Dr. Joseph Kianianthra, Chief, Side and Rollover Crash Protection Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

Written comments should refer to the docket and notice number shown above and ten copies should be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. However, submissions containing information for which confidential treatment is requested should be submitted with three copies to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. Seven additional copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Joseph Kianianthra, Chief, Side and Rollover Crash Protection Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Tel: (202)-366-4924, and Fax: (202)-366-4329.

**SUPPLEMENTARY INFORMATION:** Federal Motor Vehicle Safety Standard (FMVSS) No. 206, Door Locks and Door Retention Components (49 CFR 571.206), specifies performance requirements for side door locks, latches, hinges and other support means used in vehicles to minimize the likelihood of occupants being ejected through the side door openings. The standard requires, among other items, each latch and striker system and each hinge system not to disengage when a longitudinal force of 2,500 lbs or a transverse force of 2,000 lbs is applied. In addition, the standard requires each latch and striker system not to disengage when a 30-g inertial loading is applied in the longitudinal or transverse direction. To assess the effectiveness of the standard, the agency conducted a rulemaking evaluation study "An Evaluation of Door Locks and Roof Crush Resistance of Passenger Cars—Federal Motor Vehicles Safety Standards Number 206 and 216" (DOT HS 807-489, November 1989). In the study, the fatal ejection risk in rollovers was calculated for passenger cars manufactured during the 1963-1982 period. The study concluded that latch

improvements implemented in 1963-1968 reduced the fatal ejection risk by 15 percent in rollover accidents.

It is well known that promoting seat belt usage is the most cost/effective means to reduce the risk of ejection. The agency and vehicle manufacturers have been promoting seat belt usage for many years and, consequently, the average seat belt usage rate has increased dramatically in recent years. However, the NASS accident data show that the total fatal ejections per year remain relatively constant since 1978 in spite of significant increases in seat belt usage in recent years. The agency believes that there are two counterbalancing effects which contribute to maintaining the number of ejection fatalities and injuries relatively constant. The reduced ejection rates due to an increase in seat belt usage is probably off-set by the exceptional high ejection rates in small cars, light trucks and multipurpose passenger vehicles. The increasing number of small cars on the highway since the late 1970's and the current consumer preference of using pickups, mini-vans and utility vehicles for personal transportation are likely to increase the total number of fatal ejections in those vehicles. Thus, any benefits derived from increased seat belt usage appear to have been off-set by the increase in ejections experienced in small cars, light trucks, and multipurpose passenger vehicles. It is estimated that in 1995 and beyond side door ejections will result in approximately 1,475 fatalities and 1,925 AIS 3+ injured survivors. Therefore, side door ejections are and will remain a significant safety problem.

Since the issuance of FMVSS No. 206 in 1967, the agency has investigated many crashes associated with side door openings and ejections. In 1986, the agency initiated a pilot study "Side Door Latch/Hinge Assembly Evaluation" (DOT HS 807-234, October 1986) to investigate side door latch strength and occupant ejection problems. Since then, the agency has continued its research efforts in this area. To date, the agency has identified many real world latch failure mechanisms and has developed a set of test procedures that may be suitable for evaluating the performance of the latch and striker systems used in most production vehicles. These test procedures potentially address only a small portion of possible failure modes that are occurring in real world crashes. The agency has concluded that the side door ejection problem involves a variety of different latch failure mechanisms, and that there is not a single representative latch failure mode that

causes the door to open in real world crashes. Each latch failure mode must be dealt with individually as a unique event. Therefore, the agency's options are:

(1) To Upgrade FMVSS No. 206's Test Procedures: FMVSS No. 206 could be upgraded by including additional tests under FMVSS NO. 206. Those additional tests may include by-pass tests, full door longitudinal and transverse load tests, GM rotation tests, inertial loading tests and other tests. The performance levels have to be determined from the test results of latches of those vehicles selected from the accident data files with low and high door opening rates and latch failure rates. However, this option has the disadvantage of multiple tests for manufacturers' certification and the agency's enforcement efforts.

(2) To Require a Secondary Latch for All Doors: In 1994, NHTSA contracted EASi Engineering to develop and manufacture a secondary door latch system which is able to:

1. resist forces in different directions.
2. meet FMVSS No. 206's fully latched test requirements.
3. mitigate by-pass and linkage activation failures.

EASi Engineering, based on the above criteria, developed a secondary latch system for a 1991 Ford Taurus. Therefore, an alternative option is to amend FMVSS No. 206 requiring a secondary latch mechanism for all doors. This option has the definite advantage of limited test requirements for the latch itself. However, the effectiveness of a secondary latch system in real world crashes is not known at this time.

(3) To Use a modified FMVSS No. 214 test: FMVSS No. 214 specifies a static door crush test and requires side doors of a vehicle to remain attached in a dynamic side impact test. The static door crush test of FMVSS No. 214 includes longitudinal, transverse, and rotational forces experienced by the latch and striker system in a real world crash. FMVSS No. 214 requires that the peak crush resistance of a side door shall not be less than two times the curb weight of its vehicle or 7,000 pounds, whichever is less. In general, this peak transverse load would induce a longitudinal load in excess of 2,500 pounds to the latch and striker system of the door. It appears that the static door crush test requirements possibly surpass those of FMVSS No. 206's longitudinal tests. Therefore, the longitudinal load test of FMVSS No. 206 may be redundant. The transverse load tests of FMVSS No. 206 could be replaced by a modified FMVSS No. 214

test. In a static door crush test, both the latch and the hinges of a door are tested simultaneously and the latch and striker system of the door is subjected to pulling, shearing and twisting forces which simulate some of the real world loading conditions. In a dynamic side impact test, some of the dynamic effects on the side structure in crashes are also simulated. In addition, potential structural effects of the door and pillar component responses upon the latch strength could be duplicated in a test procedure developed for the purpose. It appears that FMVSS No. 214 types of tests are a potential option for rulemaking actions associated with side door ejection reduction.

A disadvantage of this option is that the door latch and striker system is not subjected to a significant longitudinal compression which was found in the agency's research to be a critical load component associated with by-pass failures.

**PUBLIC MEETING:** All interested persons and organizations are invited to attend the meeting. To assist interested parties to prepare for the meeting, the agency has developed a preliminary outline, shown below, or major topics to be discussed at the meeting. Any additional agenda items of interest could be included by making a request to the agency at the address given in the notice.

#### **Preliminary Outline of Topics for Public Meeting**

1. Accident Data
  - (A) Estimated Target Population
  - (B) Door Opening Rate Analysis
  - (C) Hard Copy Accident Data Analysis
2. Status of Door Latch research: Test Procedures Evaluated
  - (A) Bench Component Tests
  - (B) In Vehicle Component Tests
  - (C) Other Test Methods
3. Future Research: Potential Countermeasures
  - (A) Upgrade of FMVSS No. 206
  - (B) Secondary Latch System Development
  - (C) FMVSS No. 214 Types of Tests Development
  - (D) Other Methods

The agency intends to conduct the meeting informally, along the lines of the public meeting on head impact protection held on November 15, 1993. The agency will summarize its activities in the three major topic areas at the beginning of the discussion for each topic, followed by presentations by other interested parties. Before moving to the next major topic area, there will be an informal discussion period. Interested persons may ask questions or

provide comments during this period. The public may submit written questions to the presiding official to consider asking of particular participants or presenters.

The agency will provide an overhead projector, a slide projector and a TV-VCR system. The agency requests that persons planning to use other visual aids in their presentations must indicate to the agency their requirements. A copy of the charts and other materials used in the presentation must be provided to the agency for the docket at the end of the meeting.

**COMMENTS:** The agency invites all interests parties to submit written comments concerning the agenda items planned to be discussed in the meeting. The agency notes that participation in the public meeting is not a prerequisite for submission of written comments. Anyone desiring submission of comments should send them to the same address as above and must follow the same requirements outlined in section **ADDRESSES**.

No comment may exceed 15 pages in length (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Necessary attachments may be appended to a comment without regard to the 15-page limit. All comments that are submitted within two weeks after the date of the public meeting will be available for public review in the docket. Those persons who desire to be notified upon receipt of their written comments in the Docket Section should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receipt, the docket supervisor will return the postcard by mail.

Persons making oral presentations at the meeting are requested, but not required, to submit 25 written copies of the full text of their representation to Dr. Joseph Kaniyathra no later than the day before the meeting. Presentations are limited to 15 to 20 minutes. If time permits, persons who have not requested presentation time, but want to make a statement will be afforded an opportunity to do so at the end of the meeting. Copies of all written statements, if provided by the commenters within two weeks after the meeting, will be placed in the docket. However, a verbatim transcript of the meeting will be prepared by NHTSA and placed in the basket as soon as possible after the meeting.

**Authority:** 49 U.S. §§ 322, 30111; delegation of authority at 49 CFR 1.50.

Issued on: July 7, 1995.

**Patricia Breslin,**

*Acting Associate Administrator for Safety  
Performance Standards.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 228

[Docket No. 950504128-5128-01; I.D.  
031095A]

RIN 0648-AG80

#### Small Takes of Marine Mammals; Harassment Takings Incidental to Specified Activities

**AGENCY:** National Marine Fisheries  
Service (NMFS), National Oceanic and  
Atmospheric Administration (NOAA),  
Commerce.

**ACTION:** Proposed rule; extension of  
comment period.

**SUMMARY:** On June 20, 1995, NMFS  
received a letter from the U.S. Navy  
requesting an extension of the public  
comment period on the proposed rule to  
establish a process for timely

authorizations of small takes of marine  
mammals by incidental harassment. The  
U.S. Navy is concerned about many  
aspects of the rule, as proposed, and has  
therefore distributed the proposed rule  
to affected field commands and  
activities for review and comment. As it  
will take several weeks to consolidate  
these responses and evaluate the  
operational and fiscal effect on the U.S.  
Navy's mission, an extension of the  
comment period has been requested.  
Accordingly, the comment period on the  
proposed rule is hereby extended.

**DATES:** Comments must be received no  
later than October 16, 1995.

**ADDRESSES:** Written comments on the  
proposed rule should be addressed to  
Chief, Marine Mammal Division, Office  
of Protected Resources, National Marine  
Fisheries Service, 1315 East-West  
Highway, Silver Spring, MD 20910-  
3226. A copy of the Environmental  
Assessment (EA) may be obtained by  
writing to this address or by telephoning  
the contact listed below.

Comments regarding the burden-hour  
estimate or any other aspect of the  
collection-of-information requirement  
contained in this rule should be sent to  
the above individual and to the Office  
of Information and Regulatory Affairs,  
Office of Management and Budget

(OMB), Attention: NOAA Desk Officer,  
Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:**  
Kenneth R. Hollingshead, Office of  
Protected Resources, NMFS, (301) 713-  
2055.

**SUPPLEMENTARY INFORMATION:** On May  
31, 1995, NMFS published a proposed  
rule (60 FR 28379) that sets forth a  
proposed process for applying for and  
obtaining an incidental harassment  
authorization; the time limits set by the  
statute for NMFS review, publication,  
and public notice and comment on any  
applications for authorization that  
would be granted; and the requirements  
for submission of a plan of cooperation  
and for scientific peer review of an  
applicant's monitoring plans (if that  
activity may affect the availability of a  
species or stock of marine mammal for  
taking for subsistence purposes). This  
rule also proposed changes to the  
existing regulations to clarify the  
requirements for obtaining a small take  
authorization.

Dated: July 6, 1995.

**William W. Fox, Jr.,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 95-17012 Filed 7-11-95; 8:45 am]

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